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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,756	01/27/2004	Robert James Salmi	1370.065US1	1941
21186 7590 09/01/2010 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				
EXAMINER DAILEY, THOMAS J				
ART UNIT 2452		PAPER NUMBER		
NOTIFICATION DATE 09/01/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com  
request@slwip.com

### Office Action Summary

**Application No.**

10/765,756

**Applicant(s)**

SALMI ET AL.

**Examiner**

Thomas J. Dailey

**Art Unit**

2452

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 January 1950.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-50 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SI/200)  
Paper No(s)/Mail Date 7/6/2010  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/6/2010 has been entered.
2. Claims 1-50 are pending.

### ***Response to Arguments***

3. Applicant's arguments filed 7/6/2010 have been fully considered but they are not persuasive.
4. The applicant argues with respect to the independent claims that Odiaka does not disclose or suggest identification of common blocks of policy statements, the common blocks of policy statements sharing a similar structure, and at least one common block being re-used with a different assigned set of parameters as claimed. The applicant asserts, as clearly described in the present application, the claimed policy statements are not merely parameter values, default or otherwise, as interpreted in the Office Action. Rather, the applicant continues, the common blocks of policy

statements as currently claimed are re-usable constructs that can be used with different sets of parameters.

5. The examiner disagrees. With regard to claim 1, Odiaka discloses:

to parameterize a routing policy, wherein the parameterizing includes identifying one or more common blocks of policy statements within the routing policy (column 7, lines 1-27 and column 7, Table 1; the system comprises a different "policy profiles" (e.g. table 1) comprised of "Data Fields" and "Values", which read on the claimed "*policy statements*"), the common blocks of policy statements sharing a similar structure (column 7, lines 1-27 and column 7, Table 1; each of the plurality of profiles comprise common "Data Fields" ("*common structure*")), and

assigning sets of parameters to elements of the one or more common blocks, at least one common block being re-used with a different assigned set of parameters (column 7, lines 1-27 and column 7, Table 1; different policy profiles will have a different assigned values (i.e. "*different assigned set of parameters*") for each of the "Data Fields" (i.e. *reused common blocks*)).

If it is the applicant's assertion, that "a routing policy" cannot comprise a plurality of policy profiles in the context of the claim, the examiner disagrees, as the applicant's specification illustrates the claimed "parameterization" may occur across a plurality of policies and a customer routing policy configuration may be a plurality of policies (see Specification

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page 11, line 31-page 12, line 20), and thus the broadest reasonable interpretation of routing policy may include multiple policies.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 40-50 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

8. Claim 40 recites, "machine-readable storage medium..." and the term "machine-readable storage medium" and may still be construed as components involving signals encoded with functional descriptive material (i.e. transitory media) that do not fall within any of the categories of statutory subject matter as set forth in 35 U.S.C. 101.

The claim may be amended by changing "machine-readable storage medium" to - "non-transitory machine-readable storage medium"--, thus excluding that portion of the scope covering transitory signals. The scope of the disclosure given the state-of-the-art covers both transitory and non-transitory media, and this amendment would limit the claim to an eligible (non-transitory) embodiment.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Odiaka (US Pat. 6,829,347) in view of Brawn et al (US Pat.

7,020,718), hereafter "Brawn."

11. As to claim 1, Odiaka discloses a computer-implemented method

comprising:

to parameterize a routing policy, wherein the parameterizing includes identifying one or more common blocks of policy statements within the routing policy (column 7, lines 1-27 and column 7, Table 1; the system comprises a different "policy profiles" (e.g. table 1) comprised of "Data Fields" and "Values", which read on the claimed "*policy statements*"), the common blocks of policy statements sharing a similar structure (column 7, lines 1-27 and column 7, Table 1; each of the plurality of profiles comprise common "Data Fields" ("*common structure*")), and

assigning sets of parameters to elements of the one or more common blocks, at least one common block being re-used with a different assigned set of parameters (column 7, lines 1-27 and column 7, Table 1; different

policy profiles will have a different assigned values (i.e. "*different assigned set of parameters*") for each of the "Data Fields" (i.e. *reused common blocks*)); and

applying the parameterized-routing policy to a route (column 6, lines 54-59, policy profile with defined parameters is applied to a new trail (route)).

But, Odiaka does not explicitly disclose enabling a hierarchical arrangement of the one or more common blocks of policy statements within the routing policy.

However, Brawn discloses a hierarchical arrangement of common blocks of policy statements within routing policies (column 9, lines 3-11; repeating policy patterns (i.e., they would contain common blocks) are assigned to route aggregation points at each hierarchy (i.e., they can be arranged hierarchically)).

Therefore it would have been obvious at the time of the invention to combine the teachings of Brawn and Odiaka in order to reduce complexity by arranging/applying routing policies in a hierarchical manner.

12. As to claims 14, 27, and 40, they are rejected by a similar rationale to that set forth in claim 1's rejection.

13. As to claims 2, 15, 28, and 41 Odiaka, discloses the routing policy comprises a plurality of policy statements (column 6, lines 60-63, editor

screen lists various parameters which can be selected and configured), and wherein the processor is to assign parameters to at least some of the policy statements and is to refrain from assigning parameters to at least some other of the policy statements to generate the parameterized-routing policy (column 7, lines 1-7, user controls may control parameter assignment; column 7, Table 1 list various parameters associated with policy statements; all policy statements need not have parameters, see for example "Balancing Mode...No-Adjustment"), and wherein the processor is to store the assigned parameters in the storage element (column 6, lines 60-63).

14. As to claims 3, 16, 29, and 42, Odiaka discloses for the routing policy, generating at least one parameterized-policy statement having an associated set of parameters for one of either a customer or customer class (column 4, lines 42-43).

15. As to claims 4, 17, 30, and 43, Odiaka discloses the routing policy comprises a plurality of policy statements, each policy statement having one or more differing values associated with one or more customers or customer classes (column 6, lines 60-63 and column 7, Table 1), and wherein the processor is to assign parameters to the one or more differing values of the policy statements (column 7, Table 1).



16. As to claims 5, 18, 31, and 45, Odiaka discloses storing the parameter sets in a parameter table, the table associating each set of parameters with either a customer or a customer class (column 7, Table 1; further column 7, lines 17-26, defines various default policies based upon customer needs).
17. As to claims 6, 19, 32, and 47, Odiaka discloses parameterizing further comprises reusing the common blocks in the parameterized-routing policy (column 7, Table 1 and column 7, lines 17-26, i.e. class of service/default profiles)
18. As to claims 7, 20, 33, and 48, Odiaka discloses parameterizing further comprises reusing the common blocks in another parameterized-routing policy (column 7, Table 1 and column 7, lines 17-26, i.e. class of service/default profiles).
19. As to claims 8, 21, and 34, Odiaka discloses calling a parameterized policy with parameters from the parameter table based on one of either the customer or the customer class (column 7, Table 1 and column 7, lines 17-26, i.e. class of service profile (customer class)).
20. As to claims 9, 22, 35, and 49, Odiaka discloses determining at least one of whether to accept the route (column 6, lines 60-63).

21. As to claims 10, 23, and 36, Odiaka discloses when the route is accepted or modified, applying further comprises installing the accepted or the modified route (column 6, lines 60-63).

22. As to claims 11, 24, and 37, Odiaka discloses modifying attributes of the route, wherein modifying comprises at least one of changing an attribute (column 6, lines 60-63).

23. As to claims 12, 25, 38, and 50, Odiaka discloses:

identifying one or more common blocks of policy statements, the common blocks being common to more than one routing policy (column 7, lines 9-26 and column 7, Table 1; default values read on common blocks);

generating a commonized routing policy from the one or more common blocks (column 7, lines 9-26 and column 7, Table 1; default values read on common blocks); and

reusing the commonized routing policy by calling the commonized routing policy from within the more than one routing policy which uses the common blocks (column 7, lines 9-26 and column 7, Table 1; default values read on common blocks; a profile may be reused for different trails (routes)).

24. As to claims 13, 26, and 39, Odiaka discloses assigning parameters to at least some of the policy statements of the common blocks to parameterize at least some policy statements in the common blocks (column 7, lines 9-26 and column 7, Table 1).

25. As to claim 44, Odiaka discloses parameterizing comprises assigning parameters to the one or more differing values of the policy statements (column 7, Table 1).

### ***Conclusion***

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. J. D./  
Examiner, Art Unit 2452

/THU NGUYEN/  
Supervisory Patent Examiner, Art Unit 2452